

WEDNESDAY, MAY 21, 2008
10:00 A.M.

NO. 2

#24564, #24565

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

TIMOTHY JAMES BERGE,EE,
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable John W. Bastian
Fourth Judicial Circuit
Butte County

(CRI 04-035, CRI 04-037)

STATEMENT OF LEGAL ISSUES

1. Whether the trial court abused its discretion in denying Defendant's Motion to Suppress (Reasonable Suspicion). (SR 132).
2. Whether the trial court abused its discretion in denying Defendant's Motion to Suppress (drug dog reliability). (SR 132).
3. Whether the trial court abused its discretion in denying Defendant's Motion for a Drug Dog Expert. (SR 86).

A. TRIAL COURT RULING:

1. The trial court denied Defendant's Motion to Suppress.
2. The trial court denied Defendant's Motion to Suppress.
3. The trial court denied Defendant's Motion for Drug Dog Expert.

B. RELEVANT CASE LAW:

1. Webb v. Department of Commerce & Reg., 2004 SD 63, 680 NW2d 661.
2. State v. Donahue, 251 Conn. 636, 742 A2d 775 (1999).
3. State v. Nguyen, 2007 SD 4, 726 NW2d 871.
4. United States v. Florez, 871 F.Supp. 1411 (NM 1994).